

Planning and Building Development
London Borough of Camden
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c/o Town Hall, Judd Street
London
WC1H 9JE

28 February 2024

Prior Approval Application under Schedule 2, Part 3, Class MA of the GPDO
1a Polygon Road, London, NW1 1QB

Dear Sir/Madam,

On behalf of the applicant, Origin Housing Ltd, this letter accompanies an application for prior approval for a proposed change of use from Class E to provide two new Class C3 residential units at 1a Polygon Road, London, NW1 1QB (hereafter the 'site').

This covering letter, with accompanying documents and drawings, outlines why prior approval should be granted.

Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2021 (as amended) sets out the permitted development rights for Class E to residential conversions. Development of this nature will consist of "*a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.*"

The following is submitted in support of this request:

- Fee (payment to follow under separate cover)
- Location Plan
- Existing and Proposed Plans
- Existing and Proposed Elevations
- Proposed Refuse and Cycle Store Plan

- Noise Impact Assessment
- Daylight/Sunlight Technical Note
- Transport Technical Note
- Flood Risk Assessment
- Phase 1 Desk Study
- CIL Form 1

The Site and its Context

The site lies on the western side of Polygon Road, at the junction with Eversholt Street in the Somers Town area and within the administrative boundary of Camden.

The site is currently occupied by a three-storey office building, comprising c. 117sqm of floor area arranged over ground and two upper floors. This flat roof building is attached to a set of residential units and an adjacent building (The Jubilee public house) to the east.

The site benefits from easy access to Euston Mainline and Underground station a short distance (400m) to the south-west, with regular bus services operating along Eversholt Street. Mornington Crescent is located 550m north-west of the site, St Pancras International Station is located 750m east of the site, and King's Cross Station is located 850m east of the site. Accordingly, the site benefits from the highest Public Transport Accessibility Level (PTAL) rating of 6b.

The site is located in a highly sustainable location with local amenities positioned a short walk/cycle from the site along Eversholt Street and Camden High Street.

Surrounding uses include blocks of flats ranging from two to seven storeys along Polygon Road and neighbouring commercial units, including a public house and dry cleaners.

The site is not statutorily listed and is not located within a Conservation Area.

The site is located in Flood Zone 1 (Low), meaning a less than 1 in 1,000 annual probability of river or sea flooding.

Planning History

An online search was undertaken on Camden Council's planning database and the most relevant planning applications for the site have been listed below:

- Ref. 20735 – Application at 1a Polygon Road was Conditionally Approved 24 April 1975. *'Extension at roof level to provide 450 sq. ft. of office floor space.'*
- Ref. 2011/6280/P – Application at Hillwood House, 1 Polygon Road was Approved 6 February 2012. *'Change of use from mixed use Class B1 (Offices) and D1 (Non-Residential Institution) to B1 use.'*

The Proposal

The proposals are submitted for the change of use of the existing Class E commercial building to two new residential dwellings. This is submitted under a prior approval application under Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2021 (as amended).

A detailed overview of the legislation in Appendix 1 at the end of this letter shows the scheme to be in accordance with the legislation.

The proposal will provide a net increase of two dwellings. The total cumulative residential area is 116.9sqm.

All units have living, kitchen and dining spaces and built in wardrobes/storage. All units meet or exceed Nationally Described Space Standards.

The proposed unit mix is as follows:

- 2 x 1B2P

Vacancy and Use

The building has been in Class E use for a continuous period of at least 2 years prior to the date of this application.

The building has been vacant for a period in excess of 3 months prior to the date of this application.

Impacts of noise from commercial premises

The GPDO requires that in order for the change of use of a building falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses), the Applicant needs to consider the “impacts of noise from commercial premises on the intended occupiers of the development”. RBA Acoustics has been appointed to provide a review and assessment of the impacts of noise from commercial premises in the vicinity of the site as well as general commentary on other noise sources.

In order to review the nature and impact of commercial sound sources affecting the application site, an environmental survey was undertaken during a typical 24-hour period at the worst affected façade / location in addition to short term measurements around the site.

In light of the survey findings mitigation measures are recommended to be installed to all operating plant adjacent to the development associated with the adjacent commercial use (the offices of Origin Housing approximately 5m to the south-west of site), in order to reduce the resultant noise level at the proposed development by a minimum of 22dBA. In terms of potential mitigation measures, these are outlined below:

- Installation of acoustic enclosures to the existing condenser units on the adjacent façade. An example acoustic enclosure which achieves an overall reduction of 26dBA is provided at Figure 6 (Appendix C) of the enclosed report.

These measures will ensure resultant noise at the development site has no adverse impact on future residents. The Applicant is the freeholder of neighbouring commercial premises and therefore the mitigation can be readily be instigated prior to occupation of the proposed residential use.

Daylight and Sunlight

The General Permitted Development Order holds the requirement for the '*provision of adequate natural light*' within the newly created dwellings. The regulation or any supporting information does not currently define what 'adequate natural light' means in the context of converted buildings. The information provided on the submitted drawings and below is considered to meet the requirement of the '*BRE Report 209, Site Layout Planning for Daylight and Sunlight: a guide to good practice*' to demonstrate that 'adequate natural light' has been provided.

In Flat 1, the daylight results show that the LKD achieves the guideline of 200 lux to 21% of its area whilst the bedroom achieves the guideline of 100 lux to 29% of its area. If the LKD is assessed against the guideline of 150 lux for a living room, which is likely to be the main room use given the small kitchen space at the rear, this room achieves the guidelines to 32% of its area. It is worth noting that the BRE guidelines suggest that living rooms and kitchens need more daylight than bedrooms and where there is a choice, it is best to site a living room or kitchen away from obstructions. The configuration of Flat 1 has therefore been considered by the design team and the LKD positioned on the first floor to receive as much daylight as possible in line with this advice.

In terms of Flat 2, the LD achieves the guideline of 150 lux to 71% of its area and is therefore considered to receive good daylight levels. The bedroom and kitchen within this flat are served by windows on the elevation facing directly onto the neighbouring building 114 Eversholt Street. Both of these rooms would fall below the guidelines and not receive any meaningful light from the windows on the side elevation. However, it is worth bearing in mind that the future occupants of this flat will have access to a well daylit living space.

In terms of sunlight availability, the architects have ensured that both of the main living rooms are served by south facing windows and therefore they both exceed the guideline values, achieving the BRE's 'medium' rating for sunlight availability. The bedroom at ground floor within Flat 1 will also meet the guideline values. As the main living space in each of the proposed flats exceeds the BRE guideline values, in accordance with the guidelines, both of the flats will appear reasonably sunlit.

Transport and highways impact of the development

The application proposals will result in a negligible impact on the surrounding transport network.

The site is highly accessible. London Euston Station is located 400m south of the site, which provides London Overground services to Manchester Piccadilly, Watford Junction, Glasgow Central, Birmingham New Street, Tring, Liverpool Lime Street, Crewe and Milton Keynes Central. The station

also provides London Underground services on the Northern Line to Battersea Power Station, Edgware, Finchley Central, Golders Green, High Barnet, Mill Hill East and Morden and on the Victoria Line to Brixton and Walthamstow Central.

Mornington Crescent, Euston Square and King's Cross stations are also located a walking distance to the site, offering a range of London Underground services. St Pancras International station offers a range of overground services to destinations including Rainham, Sheffield, St Albans City, Three Bridges, Nottingham, Bedford, Margate, Sutton, Luton, Corby, Horsham, Peterborough, Brighton and Cambridge. The Eurostar is also provided from this station to Bruxelles Midi.

There are 15 bus services available within a short walk of the Site. The nearest bus stops to the Site are located 55m providing southbound services and 150m providing northbound services to the north-west of the Site along Eversholt Street.

Since the location is sustainable and has a PTAL rating of 6b, the development is to be car free in line with 2021 London Plan Standards. 4 cycle parking spaces (in excess of 1.5 per unit) will be provided and located to the rear of the site. The site is well served by cycle networks.

Overall, it is concluded that there are no highway or transportation reasons to object to the proposed development.

Access and Servicing

Pedestrian and cycle access will be from Polygon Road and deliveries will take place on-street along Polygon Road. A refuse holding area will be provided to the rear of the building and refuse collection will be undertaken on-street.

Flood Risk

The site lies within Flood Zone 1, identified as an area with a low probability of less than 0.1% chance of fluvial flooding annually.

The proposed development is not likely to increase the amount of hardstanding on-site. It is therefore unlikely that there will be an increased risk of flooding to neighbouring properties.

Please refer to the submitted Flood Risk Assessment Report for further details.

Contamination

A Phase 1 Desk Study has been completed to identify potential on-site and off-site sources of contamination. The results of this have been detailed in the submitted document.

The report has concluded that a Phase II assessment should include an intrusive ground investigation at the site to evaluate the risk that contaminants within soils and groundwater may affect end-users.

Legislation

A detailed overview of the legislation in Appendix 1 at the end of this letter shows the scheme to be in accordance with this. Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2021 (As Amended).

Conclusion

The proposals comply with the relevant criteria submitted in support of an application which seeks the Council's prior approval to facilitate the conversion of the existing Class E Business (office) to C3 residential use at 1a Polygon Road, London, NW1 1QB. This application is in compliance with the permitted development rights allowed under Class MA of the Town and Country Planning (General Permitted Development) Order 2021 (as amended).

Furthermore, the evidence presented within this note, alongside the submitted plans, documents and forms, confirm that the proposed development meets to the relevant criteria and requirements of Schedule 2, Part 3, Class MA of the Order.

On this basis, the submitted application should be considered acceptable by the Council and it is respectfully requested that prior approval is granted.

Should you require further information at this stage please do not hesitate to contact me.

Yours Faithfully,



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For Sphere25

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Appendix 1: A Detailed Overview of the Legislation

DEVELOPMENT PERMITTED	
<p><i>MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.</i></p>	<p>The existing use of the building to be changed as part of this prior approval are Class E, having been previously used for offices. The proposal would be for the change of use to two residential flats (Use Class C3).</p>
DEVELOPMENT NOT PERMITTED	
<p><i>MA.1. - (1) Development is not permitted by Class MA—</i></p> <ul style="list-style-type: none"> <i>a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;</i> <i>b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;</i> <i>c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;</i> <i>d) if land covered by, or within the curtilage of, the building –</i> <ul style="list-style-type: none"> <i>(i) is or forms part of a site of special scientific interest;</i> <i>(ii) is or forms part of a listed building or land within its curtilage;</i> <i>(iii) is or forms part of a scheduled monument or land within its curtilage;</i> <i>(iv) is or forms part of a safety hazard area; or</i> <i>(v) is or forms part of a military explosives storage area;</i> <i>e) if the building is within –</i> <ul style="list-style-type: none"> <i>(i) an area of outstanding natural beauty;</i> 	<ul style="list-style-type: none"> <i>(a) The property being assessed as part of this prior approval has been vacant for a period in excess of 3 months.</i> <i>(b) The building being assessed as part of this prior approval was in use as B1 business under the previous use class order for a period in excess of 2 years to the date of this application.</i> <i>(c) The cumulative floor space being changed to residential under this prior approval is c. 117sqm.</i> <i>(d) The building and its curtilage are not situated within any of the designations listed.</i> <i>(e) The building is not situated within any of the designations listed.</i> <i>(f) The site is not occupied under an agricultural tenancy.</i> <i>(g) The prior approval is being submitted after 1 August 2022.</i>

<ul style="list-style-type: none"> (ii) <i>an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;</i> (iii) <i>the Broads;</i> (iv) <i>a National Park; or</i> (v) <i>a World Heritage Site;</i> f) <i>if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or</i> g) <i>before 1 August 2022, if –</i> <ul style="list-style-type: none"> (i) <i>the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and</i> (ii) <i>the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.</i> 	
<p>MA.1. - (2) <i>The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—</i></p> <ul style="list-style-type: none"> a) <i>the following classes of the Schedule as it had effect before 1st September 2020-</i> <ul style="list-style-type: none"> (i) <i>Class A1 (shops);</i> (ii) <i>Class A2 (financial and professional services);</i> (iii) <i>Class A3 (food and drink);</i> (iv) <i>Class B1 (business);</i> (v) <i>Class D1(a) (non-residential institutions – medical or health services);</i> (vi) <i>Class D1(b) (non-residential institutions – creche, day nursery or day centre);</i> (vii) <i>Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;</i> 	<p>The prior approval application is being submitted after 1 September 2020 and the property being changed as part of this application is under Use Class E of Schedule 2.</p> <p>The buildings were previously used for office uses which fall under Use Class E (commercial, business and service).</p>

<p>b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.</p>	
CONDITIONS	
<p>MA.2. - (1) Development under Class MA is permitted subject to the following conditions.</p> <p>(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to-</p> <ul style="list-style-type: none"> a) transport impacts of the development, particularly to ensure safe site access; b) contamination risks in relation to the building; c) flooding risks in relation to the building; d) impacts of noise from commercial premises on the intended occupiers of the development; e) where- <ul style="list-style-type: none"> (i) the building is located in a conservation area; and (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area. f) the provision of adequate natural light in all habitable rooms of the dwellinghouses; g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and h) where the development involves the loss of services provided by- <ul style="list-style-type: none"> (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost. i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building. 	<ul style="list-style-type: none"> (a) The site is located within a highly sustainable location with train stations and bus stops easily accessible. Transport has been assessed in the above section of this letter. (b) No ground works are proposed, and contamination risks has been assessed in the above section of this letter. (c) The site is situated within an area of Flood Zone 1 indicating a low chance of flooding. In addition, there is no increase in built footprint or hardstanding on site. (d) A Noise Survey has been undertaken and is submitted with this application. (e) The site is not situated within a conservation area. (f) The proposals will achieve high levels of Daylight & Sunlight, which has been assessed in the above section of this letter. (g) Residential use in the immediate area is already present, thus it is not expected that any additional residential flats will cause any impacts upon the intended occupiers. (h) The building to be changed do not consist of the services listed. (i) The fire risk condition is not met in this circumstance and so the fire safety impacts on intended occupants are not considered for this prior approval.

<i>(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.</i>	The prior approval application has been made after the 1 August 2021.
<i>(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”.</i>	This is noted and will be complied with.
<i>(5) Development must be completed within a period of 3 years starting with the prior approval date.</i>	This is noted and will be complied with.
<i>(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.</i>	This is noted and will be complied with.

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